

**Board of Registration of Massage Therapy
August 13, 2018, Public Session Meeting Minutes
Location: 439 Dwight St., Springfield, MA 01103, Room 320**

Present:

Board members:

Paul Andrews, Board Chair
Alexei Levine, Vice Chair
Sheri Sarmento, Board Secretary
Mindy Ruddock, Board Member

DPL Staff:

Ana Garcia, Executive Director
Peter Kelley, Board Counsel
Anne Driscoll, Investigator
Chris Lee, Investigator
Liam Powers, Investigator

Not Present:

Anne Marie Kennedy, Board Member
Saskia Coté, Board Member

Item 1) 10:10 a.m. Meeting called to order:

Housekeeping and Evacuation Procedure – Executive Director Garcia detailed the evacuation plan to be followed in the event of an emergency. Do not use the elevators, take a right out of the meeting room, follow the exit signs and meet in the parking lot across the street.

Item 2) 10:11 a.m. Board Meeting Business:

- **Public Minutes from June 11, 2018** – Motion made by Ms. Ruddock to accept the minutes. Ms. Sarmento seconded. The motion passed unanimously.
- **Public Minutes from July 7, 2018** – Motion made by Mr. Levine to accept the minutes with corrections. Ms. Ruddock seconded. The motion passed unanimously.
- **Executive Minutes from June 11, 2018** – Motion made by Ms. Ruddock to accept the minutes with corrections. Ms. Sarmento seconded. The motion passed unanimously.
- **Executive Minutes from July 9, 2018** – Ms. Sarmento mad a motion to accept the minutes. Ms. Ruddock seconded. The motion passed unanimously.

FSMTB Resolutions: Mr. Levine will send the resolutions to Executive Director Garcia so the Board can discuss how he will vote.

Meeting Change: Mr. Andrews made a motion to change the September 10, 2018 Board Meeting to September 24, 2018 at 10:00 a.m. Mr. Levine seconded. The motion passed unanimously.

Item 3) 10:20 a.m. Board Counsel Report:

Attorney Kelly updated the board on Bill S2621. The Bodywork bill did not pass the House and the formal session passed on July 31, 2018. Bodywork continues to be an exempt modality in which the Board does not currently regulate.

Item 4) 10:23 a.m. Executive Director Report:

Executive Director updated board members on two dockets created administratively 933-IT-ENF & 927-IT-ENF, in which the board voted to uphold the fine for one and dismiss the other. Docket 927-IT-ENF was forwarded to prosecutions and 933-IT-ENF was dismissed w/o prejudice at the July 9th, 2018 board meeting.

Item 5) 10:25 a.m. Sample Compliance Plan:

- **Review and discuss Proposed Updates and Revisions:** Request applicants to provide means of contact for inspections. Discussion to change compliance officer authorization form. Request on form for initial compliance officer and new compliance officer. Also Mr. Andrews proposed including an effective date and end date on the new form. Put back on the agenda for next month.

Item 6) 10:29 a.m. Curriculum Review:

- **Spa Tech Institute renewal** – Tabled due to lack of quorum

Item 7) 10:35 a.m. Correspondence:

- **Email from Greg Hurd dated 08/13/2018 to the Board re: Zero Balancing**
Massage and Bodywork definition reviewed. An on-line video of Zero Balancing was viewed During meeting and it appears to be massage. Mr. Andrews made a motion to classify Zero Balancing within the scope of needing a massage therapy license. Mr. Levine seconded. The motion passed unanimously.

Item 8) 10:39 a.m. Adjudicatory Hearing:

- **Board member to attend a hearing 2018-000656-IT-ENF October 3 &4, 2018 at 10:00 a.m.-**
Board member Mr. Andrews volunteered to attend.

**Item 9) 10:40 a.m. Candidate Interview: [Executive Session – closed pursuant to G.L. 30A, §21 (1)]
*to review character rather than competence:***

- **2018-253-MT-MT-APP [JZ]** – Tabled until next Board meeting

Item 10) 10:42 a.m. Investigative Conference: Review Cases: [closed session pursuant to MGL. C. 112 §65C]

Ms. Ruddock made a motion to exit open session and enter closed session for the purpose of conducting Investigative conferences, adjudicatory conferences and settlement conferences pursuant to MGL c.112, §65C; MGL. C. 30A, § 18 (5) d. Mr. Levine seconded. The motion passed unanimously.

During investigative conference the Board voted to take the following action:

- 2016-001143-IT-ENF [SL] –Dismissed without prejudice
- 2017-001001-IT-ENF [YR]- Forward to Prosecutions
- 2016-001007-IT-ENF [JL] – Dismissed without prejudice
- 2018-000014-IT-ENF [LQT] – Forward to prosecutions
- 2017-001446-IT-ENF [CO] – Dismissed without prejudice
- 20160601MT166-IT-ENF (MT-16-166) [SP]- Dismissed without prejudice

Item 11) 12:16 p.m. Final Decision and Order: [Deliberative Session:_closed session pursuant to G.L. c. 30A, §18, (5) (d)]

The board reviewed cases in closed session to conduct quasi-judicial deliberations.

Item 12) 12:20 p.m. Executive Session [closed pursuant to G.L. c.30A, §21(a) (7) to comply with the public records law G.L. c. 66, § 10, and preserve the confidentiality of medical record information. G.L. c. 4, § 7, ¶26 (c)]

Mr. Levine moved to enter into Executive Session pursuant to G.L. c.30A, §21(a) (7) to comply with the public record law G.L. c. 66, § 10, and preserve the confidentiality of medical record information. G.L. c. 4, § 7, ¶26 (c). Ms. Ruddock seconded. After taking a roll call vote (all “yes”), the motion passed.

Ms. Ruddock moved to exit closed executive session and enter into open session. Ms. Sarmento seconded. The motion passed unanimously.

Item 13) 12:23 p.m. New Business/Open session for topics: (not reasonably anticipated by chair 48 hours in advance of meeting)

Mr. Matthew Olds was presented with a certificate from Governor Charlie Baker from the Commonwealth of Massachusetts for his six years of service on the Massage Board.

Item 14) 12:26 p.m. Adjournment:

Ms. Ruddock made a motion to adjourn. Mr. Andrews seconded. The motion passed unanimously

Respectfully submitted,



Ana Garcia
Executive Director